

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

CR 07-0385 MMC

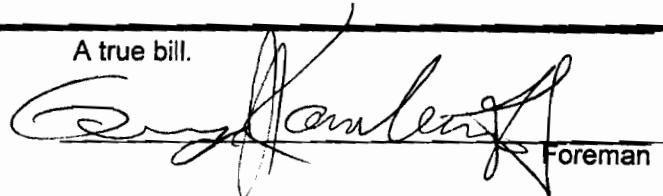
v.
ANTONIO MUSNI

07 JUN 19 AM 11:55
RICHARD W. HICKMAN
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
FILED

DEFENDANT.

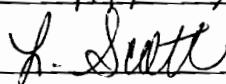
INDICTMENT

A true bill.


Foreman

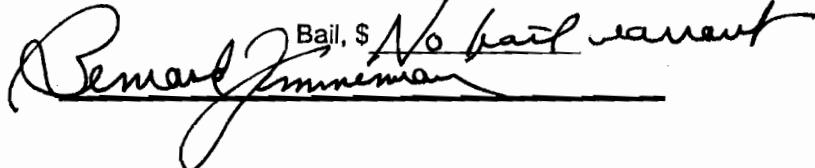
Filed in open court this _____ day of

6/19/2007



Clerk

Bail, \$


No bail required

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Cts 1-6: 18 USC 1344 - bank
 fraud; Ct. 7: 18 USC 1341 - mail
 fraud; (see Attachment for
 remaining counts)

Petty
 Minor
 Misdemeanor
 Felony

Name of District Court and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

07 JUN 19 AM 11:58

DEFENDANT - U.S.

CHARLES W. WICKING
 CLERK, U.S. DISTRICT COURT
 Antonio Mushi, N.D. of Calif.

DISTRICT COURT NUMBER

CR 07 0385

PENALTY:

Cts. 1-6: 30 yrs prison; \$1,000,000 fine; 5 yrs sup. release;
 \$100 mandatory assessment; Ct. 7: 20 yrs prison; \$250,000
 fine; 3 yrs sup. release; \$100 mandatory assessment; (see
 Attachment for remaining counts)

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)
 FBI

person is awaiting trial in another Federal or State
 Court, give name of court

this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

this is a reprocution of
 charges previously dismissed
 which were dismissed on
 motion of:

U.S. Att'y Defense
 this prosecution relates to a
 pending case involving this same
 defendant
 prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under

SHOW
 DOCKET NO.

MAGISTRATE
 CASE NO.

Name and Office of Person
 Furnishing Information on
 THIS FORM

SCOTT N. SCHOOLS

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y
 (if assigned)

Jeffrey R. Finigan

DEFENDANT

MMC

IS NOT IN CUSTODY

1) Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

6) Awaiting trial on other
 charges } Fed'l State

If answer to (6) is "Yes", show name of Institution

Has detainer
 been filed? Yes No } If "Yes"
 give date
 filed

DATE OF
 ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
 TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: none

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Attachment to Penalty Sheet for U.S. v. Antonio Musni

OFFENSE CHARGED:

Ct 8: 18 USC 1028A - aggravated identity theft; Ct 9: 18 USC 1029(a)(2) - unlawful use of access device

PENALTY:

Ct. 8: mandatory consecutive 2 yrs prison to Cts. 1-7; Ct. 9: 10 yrs prison; \$250,000 fine; 3 yrs sup. release; \$100 mandatory assessment; All Counts: restitution

FILED
07 JUN 19 AM 11:58
RICHARD H. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RE-FILED

1 SCOTT N. SCHOOLS (SC 9990)
2 United States Attorney
3
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6

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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

CR

07
No.

09
MMC

14 Plaintiff,

15 v.

16 ANTONIO MUSNI,

17 Defendant.

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VIOLATIONS: 18 U.S.C. § 1344 – Bank
Fraud; 18 U.S.C. § 1341 – Mail Fraud; 18
U.S.C. § 1028A(a)(1) – Aggravated Identity
Theft; 18 U.S.C. § 1029(a)(2) – Unlawful
Use of Unauthorized Access Devices

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. American Express Centurion Bank (“American Express”), Bank of America, N.A. (Bank of America), Chase Bank, N.A. (“Chase”), Discover Bank (“Discover”), and HSBC Bank USA (“HSBC”) were financial institutions within the meaning of 18 U.S.C. § 20, the deposits of which were insured by the Federal Deposit Insurance Corporation.

2. Defendant ANTONIO MUSNI (“MUSNI”) resided in San Francisco, California,

INDICTMENT

1 and worked at the University of California, San Francisco ("UCSF"), in San Francisco,
2 California.

3 THE SCHEME TO DEFRAUD

4 3. Between on or about April 1, 2006, and February 28, 2007, in the Northern
5 District of California and elsewhere, the defendant,

6 ANTONIO MUSNI,

7 did knowingly and intentionally devise and execute a scheme and artifice (A) to defraud various
8 financial institutions and other entities as to a material matter and (B) to obtain monies and funds
9 owned by and under the custody and control of various financial institutions and other entities by
10 means of materially false and fraudulent pretenses, representations, promises, and omissions.

11 4. The purpose of MUSNI's scheme to defraud was to establish credit cards and
12 accounts in victim Stephen C.'s name and then use the credit cards and funds from the accounts
13 for personal expenses.

14 5. It was part of MUSNI's scheme to defraud that he:

15 a. obtained Stephen C.'s personal information, such as his social security
16 number, his date of birth, and his former places of employment by accessing Stephen C.'s
17 records at UCSF;

18 b. used Stephen C.'s personal information to apply for and fraudulently
19 obtain credit cards in Stephen C.'s name from American Express, Bank of America, Chase, and
20 Discover;

21 c. used Stephen C.'s personal information to apply for and fraudulently
22 obtain a credit card in Stephen C.'s name from HSBC Card Services; and

23 d. cashed checks issued by HSBC Bank USA in Stephen C.'s name.

24 COUNTS ONE THROUGH SIX: (18 U.S.C. § 1344 – Bank Fraud)

25 6. Paragraphs 1 through 4 and 5a, b, and d of this Indictment are realleged as though
26 fully set forth herein.

27 7. On or about the following dates, in the Northern District of California and
28 elsewhere, the defendant,

ANTONIO MUSNI.

did knowingly and intentionally execute a scheme and artifice (A) to defraud the financial institutions set forth below as to a material matter and (B) obtain money, funds, and credits owned by, or under the custody or control of, the following financial institutions by means of materially false and fraudulent pretenses, representations, promises, and omissions.

Count	Financial Institutions and Accounts Fraudulently Opened	Approximate Date
ONE	American Express Acct # 37257337*****	9/23/2006 (by submitting a fraudulent application in the name of Stephen C.)
TWO	Bank of America Acct # 488860314*****	4/11/2006 (by submitting a fraudulent application in the name of Stephen C.)
THREE	Chase MasterCard Acct # 546604200*****	8/22/2006 (by submitting a fraudulent application in the name of Stephen C.)
FOUR	Discover Credit Card Acct # 601100022*****	7/10/2006 (by submitting a fraudulent application in the name of Stephen C.)

Count	Financial Institutions and Accounts Fraudulently Opened	Approximate Date
FIVE	HSBC Loan Acct # 2118181*****	1/10/2007 (by cashing a check issued in the name of Stephen C.)
SIX	HSBC Loan Acct # 2129020*****	1/26/2007 (by cashing a check issued in the name of Stephen C.)

12 All in violation of Title 18, United States Code, Section 1344.

13

14 COUNT SEVEN: (18 U.S.C. § 1341 – Mail Fraud)

15 8. Paragraphs 1 through 4 and 5a and c of this Indictment are realleged as though
16 fully set forth herein.

17 9. On or about December 6, 2006, in the Northern District of California and
18 elsewhere, for purpose of executing the scheme and artifice to defraud, the defendant,

19 ANTONIO MUSNI,

20 did knowingly cause to be delivered by the Postal Service an HSBC credit card in the name of
21 Stephen C., in violation of Title 18, United States Code, Section 1341.

22 COUNT EIGHT: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

23 10. Paragraphs 1 through 4 and 5a and b of this Indictment are realleged as though
24 fully set forth herein.

25 11. On or about September 10, 2006, in the Northern District of California, the
26 defendant,

27 ANTONIO MUSNI,

28 during and in relation to a violation of 18 U.S.C. § 1344 as set forth in count 2, did knowingly

1 possess and use, without lawful authority, a means of identification of another person, to wit: a
2 Bank of America Visa credit card Acct # 488860314***** in the name of Stephen C., in
3 violation of Title 18, United States Code, Section 1028A(a)(1).

4 COUNT NINE: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Unauthorized Access Devices)

5 12. Paragraphs 1 through 5a and b of this Indictment are realleged as though fully set
6 forth herein.

7 13. Between on or about April 1, 2006, and February 28, 2007, in the Northern
8 District of California and elsewhere, the defendant,

9 ANTONIO MUSNI,

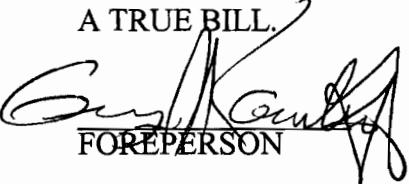
10 did knowingly and with intent to defraud use one or more unauthorized access devices during any
11 one-year period and by such conduct did obtain items of value aggregating \$1,000 or more, and
12 in so doing affected interstate commerce, in violation of Title 18, United States Code, Section
13 1029(a)(2).

14

15 DATED:

16 6/11/07

A TRUE BILL.

17 
Foreperson

18
19 SCOTT N. SCHOOLS
United States Attorney

20 
21
22 MARK L. KROTKOSKI
Chief, Criminal Division

23
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25 (Approved as to form: 
26 USA FINCH